THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.Nos.21243 of 2001, 22915 of 2001, 22947 of 2001,

11516 of 2005, 22937 of 2001 and 23122 of 2001

Dated:4.9.2006

W.P.No.21243 of 2001

Between

Karnatakam Venkata Subbaiah Setty
Sons Firm represented by its Partner
K.Sreenivasa Murthy

.....Petitioner

and

1.Director of Marketing,Govt of Andrha Pradesh
BRKR Buildings, Tankbund Road
Hyderabad and another.

…Respondents

W.P.No.22915 of 2001

Between

M/s.Surya Coconut Company rep., by its
Managing Partner A.Sreenivasa Rao

..Petitioner

and

1.Director of Marketing,Govt of Andrha Pradesh
BRKR Buildings, Tankbund Road
Hyderabad and another.

…Respondents

W.P.No.22947 of 2001

B.C.Somappa

..Petitioner

and

1.Director of Marketing,Govt of Andrha Pradesh
BRKR Buildings, Tankbund Road
Hyderabad and another.

…Respondents

W.P.No.11516 of 2005

M/s.Suresh Coconut Traders
Rep., by its Partner E.Suresh Babu

..Petitioner

and

1.Director of Marketing, Govt of Andrha Pradesh
BRKR Buildings, Tankbund Road
Hyderabad and another.

…Respondents

W.P.No.22937 of 2001

Makam Rangaswamy

…Petitioner

and

1.Director of Marketing,Govt of Andrha Pradesh
BRKR Buildings, Tankbund Road
Hyderabad and another.

…Respondents

W.P.No.23122 of 2001

S.Maqbool

..Petitoiner

and

1.Director of Marketing,Govt of Andrha Pradesh
BRKR Buildings, Tankbund Road
Hyderabad and another.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.Nos.21243 of 2001, 22915 of 2001, 22947 of 2001,

11516 of 2005, 22937 of 2001 and 23122 of 2001

COMMON ORDER:

In all these writ petitions, common questions of fact and law are involved. Hence, they are being disposed of together.

The petitioners are traders in coconut and copra. It is their grievance that without there being any power for collecting market fee against coconut and copra, the notified market committees are demanding payment of market fee on the produce i.e., coconut and copra.

After an elaborate arguments, the matter was adjourned for verification as to whether coconut and copra were included in the Bye-laws of the Committee as required under Section No.34 of the Market Committee Act.

Admittedly, neither the Standing Counsel nor the Government Pleader is able to place before this Court the resolution passed by the Market Committee for the purpose of inclusion of the produce i.e., coconut and copra in the bye-laws of the Market Committee so as to enable them to collect fees against the said produce. Therefore, the impugned demand notices are liable to be set aside.

In the result, all the writ petitions are allowed. The impugned demand notices are set aside. However, this will not preclude the authorities from collecting market fee as soon as the resolution is passed and the same is approved by the Director of the Markets as per law.

_____

04.09.2006

rkk